

BENIN (Tier 2)

The Government of Benin does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Benin remained on Tier 2. These efforts included convicting more traffickers and identifying more potential trafficking victims, including a significant increase in identification of potential child labor trafficking victims, and referring those victims to protection services. However, the government did not meet the minimum standards in several key areas. Authorities investigated and prosecuted fewer trafficking cases and did not report identifying any foreign victims of trafficking. Additionally, the government did not have adequate protection services for adults.

PRIORITIZED RECOMMENDATIONS: Expand training for law enforcement, prosecutors, judges, and judicial staff on the 2018 penal code articles 499-504 to increase their ability to investigate, prosecute, and convict traffickers, including fraudulent labor recruiters. * Develop an information management system for the Ministries of Justice, Interior, Labor, Foreign Affairs, and other relevant government agencies – in coordination with international organizations – to improve access and utilization of law enforcement and judicial statistics. * Seek significant prison terms for convicted traffickers in accordance with penal code articles 499-504 or the 2006 child trafficking law, while respecting due process. * Develop and implement standard operating procedures (SOPs) for proactive identification of adult trafficking victims and their subsequent referral to care or incorporate identification of adult TIP victims into existing SOPs. * Collaborate with NGOs and international organizations to increase the government's capacity to provide shelter and services to more trafficking victims, including adults. * Expand implementation of the 2011 bilateral anti-trafficking agreement with the Republic of the Congo and the multilateral agreement with Burkina Faso and Togo to increase law enforcement coordination and investigate, prosecute, and convict perpetrators of transnational trafficking cases, while respecting due process. * Finalize the multilateral agreement with Togo and Nigeria to increase information-sharing and cooperation on transnational investigations.

PROSECUTION

The government maintained insufficient law enforcement efforts. Existing laws criminalized sex trafficking and labor trafficking. Articles 499-504 of the Penal Code criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of 10 to 20 years imprisonment; these penalties were sufficiently stringent, and with respect to sex trafficking, commensurate with other grave crimes, such as rape. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking (Act 2006-04) criminalized all forms of child sex trafficking and labor trafficking and prescribed penalties of 10 to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape.

The government did not report any new investigations during the reporting period, compared with investigating 49 cases during the previous reporting period. The government continued investigations of 25 cases from the previous reporting period that may have included potential trafficking crimes. The government reported prosecuting four cases of trafficking, including

three adult trafficking cases and one child trafficking case, compared with prosecuting 72 cases of child trafficking during the previous reporting period. The government reported prosecuting an additional 223 cases of gender-based violence, which may have included some trafficking cases, compared with prosecuting 72 cases of child trafficking the previous reporting period and 323 cases that may have contained exploitative aspects under related statutes. The government reported convicting 11 individuals of trafficking, two of sex trafficking and nine of labor trafficking, compared with no convictions in the previous reporting period. The government also reported convicting 19 individuals originally charged with sex trafficking of lesser crimes. The government reported all 11 individuals convicted of trafficking received prison sentences but did not specify the length; in previous reporting periods, courts reportedly sentenced the majority of convicted traffickers to prison terms substantially shorter than the 10-20 years' imprisonment required by Benin's Penal Code for trafficking. Some judicial officials asserted that more stringent prison terms may exacerbate the vulnerability of some child victims when the perpetrators are relatives. Officials reported police and prosecutors often did not understand or uniformly interpret the trafficking law, which resulted in traffickers being charged with other crimes.

The Ministry of Justice (MOJ) noted the lack of an effective data collection system resulted in the need for officials to contact individual courts to obtain case details. Many police stations lacked the technology and capacity necessary to maintain electronic databases; judicial personnel and most courts continued to record cases on paper, creating challenges in compiling and sharing law enforcement statistics. The government did not report prosecuting or convicting government officials complicit in human trafficking crimes, although some civil servants may have exploited children through the traditional practice of *vidomegon*. The government reported a customs official who allegedly facilitated human trafficking was fired but did not report any action taken against the official. The government partnered with an international organization to train judges, police officers, ministry officials, and private sector actors on the 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking. Pandemic-related restrictions limited the government's ability to participate in some international trafficking investigations. The government cooperated with the Governments of Gabon, Togo, and the Republic of the Congo on investigations and repatriations of trafficking victims. The government did not report what actions it took under the 2011 bilateral anti-trafficking agreement with the Republic of the Congo or the multilateral agreement with Burkina Faso and Togo. The government did work with the Governments of Togo and Gabon, as well as INTERPOL, to successfully repatriate 39 Beninese minors who had been trafficked to both countries.

PROTECTION

The government maintained overall efforts to identify and protect trafficking victims. The government reported identifying 701 trafficking victims, including 151 sex trafficking victims (111 children and 40 adults, including 25 victims who identified as LGBTQI+) and 550 labor trafficking victims, all children. This compared with identifying 363 potential victims in the previous reporting period. The government referred all 701 victims to social services, compared with providing services to all 363 potential victims identified during the previous reporting period. The government reported that in conjunction with NGOs, it identified 543 child forced labor victims and referred all identified victims to services.

The Ministry of Social Affairs and Microfinance, OCPM, MOJ, Ministry of Foreign Affairs, and various international donors and NGOs coordinated to identify, assist, and repatriate child trafficking victims. OCPM operated a temporary shelter for child victims in Cotonou with a capacity of 160 children (80 boys and 80 girls), but due to pandemic safety measures, the capacity was reduced to 120. The shelter offered child victims legal services, medical, and psychological assistance and served as a short-term shelter while officials worked to place children in long-term NGO shelters. NGOs coordinated with Ministry of Social Affairs and Microfinance representatives to reunite children with their families. Observers noted limited shelter capacity hindered service provision and access to justice for some victims. The Ministry of Social Affairs and Microfinance's network of Social Promotion Centers (*Centres de Promotion Sociale*) continued to provide basic services for adult and child trafficking victims in all of Benin's 77 communes, with additional Social Promotion Centers in more populated communes such as Parakou, Cotonou, and Porto Novo. Victims in rural areas had limited access to services. The Ministry of Health's SOPs for providing health services to individuals in commercial sex included a presumption that any minor involved in commercial sex was a sex trafficking victim; however, victim screening was inconsistent. The government has not developed a corresponding directive or procedure for the identification of adult trafficking victims. Due to a lack of formal identification procedures, authorities likely detained some unidentified trafficking victims.

The government had procedures to provide legal aid services to victims to support their participation in criminal proceedings, but due to lack of funding, such services were rarely available. Beninese law did not provide legal alternatives to the removal of trafficking victims to countries in which victims would face retribution or hardship, although the government considered cases involving foreign child trafficking victims for immigration relief on an ad hoc basis.

PREVENTION

The government maintained efforts to prevent trafficking in persons. The Anti-Trafficking in Persons Technical Commission coordinated the government's anti-trafficking efforts. It was chaired by the Chief of Staff of the Minister of Planning and Development and comprised the ministries of Development, Justice, Labor, and Social Affairs. The commission met on an ad hoc basis, and some efforts were limited due to the pandemic. The Minister of State in charge of Development and Coordination of Government Action's General Directorate for Evaluation and the Observatory for Social Change had working level responsibility for the government's anti-trafficking efforts. The National Monitoring and Coordination Working Group for Child Protection, which monitored child trafficking cases, met for the first time since 2015. The government reported it continued to implement the country's 2020-2024 anti-trafficking national action plan; however, it dedicated inadequate resources.

The government continued implementing its social services data management system to track child protection cases, including child trafficking. Data was publicly available yet remained incomplete as not all staff were equipped or trained to input data. Child Protection Committees, comprised of local officials, police, and NGO representatives in all of Benin's 77 communes, met regularly to discuss strategies to address child protection issues, including child trafficking. The

government trained market traders on child protection issues, organized a conference on child exploitation in the construction sector, and in conjunction with an international organization, conducted an awareness raising campaign in border areas and cities where children faced a high risk of trafficking. In coordination with an international organization, the Ministry of Social Affairs ran a child protection hotline, which received 14,963 actionable calls regarding child abuse, including potential exploitation. The hotline was operational 24 hours a day and was staffed with French and local language speakers. There were no hotlines available for adult trafficking victims.

The government conducted 1,015 labor inspections, including in sectors with high instances of child labor, and reported identifying 620 instances of child labor trafficking. The government trained new labor inspectors on child trafficking. The government regulated formal recruitment agencies, but authorities did not take action against informal employment agents who facilitated trafficking. Some illicit recruiters continued to recruit Beninese victims abroad with fraudulent employment promises. The government did not report any measures to reduce the demand for commercial sex acts. The Ministry of Foreign Affairs used a code of conduct for diplomats that prohibited Beninese nationals deployed abroad from engaging in or facilitating trafficking in persons; however, it did not report providing training to officials. A foreign government provided anti-trafficking training to Beninese troops prior to their deployment as peacekeepers. Although not explicitly reported as human trafficking, there were seven open cases of alleged sexual exploitation with trafficking indicators by Beninese peacekeepers deployed to various UN peacekeeping missions. These include two allegations in 2020 and one in 2021 against Beninese military personnel deployed with the mission in the Democratic Republic of the Congo (MONUSCO); one in 2019 and one in 2020 against military and police personnel, respectively, deployed with the mission in the CAR (MINUSCA); one in 2018 against a police officer deployed to the now-closed mission in Haiti (MINUSTAH); and one in 2016 against a military officer deployed to the mission in Mali (MINUSMA). The government did not report on the accountability measures taken, if any, for these open cases by the end of the reporting period.

TRAFFICKING PROFILE: As reported over the past five years, human traffickers exploit domestic and foreign victims in Benin, and traffickers exploit victims from Benin abroad. Trafficking in the country is predominantly internal. The majority of child trafficking victims are from rural areas and are most often victims of labor trafficking. Children from low-income families and those without birth documents are especially at risk; officials report parent illiteracy and single-parent households also increase children's risk of exploitation. The pandemic exacerbated some risk factors for trafficking, including poverty and school absences. Some community members and relatives use the promise of education or employment to recruit Beninese children from northern rural areas to the more urban southern corridor and exploit them in forced labor in domestic servitude, markets, farming, as "apprentices" engaged in various trades, and in handicraft manufacturing. Beninese traffickers include farmers, traders, artisans, small factory owners, and civil servants; some belong to criminal networks, and others may have been former trafficking victims. Adults are exploited in sex and labor trafficking.

The government reported traffickers exploit children living in the lakeside areas of Benin – including the commune of So Ava in southeast Benin – in debt bondage. Criminal elements operate in urban areas under the guise of informal employment agents and recruit children for

domestic work in private residences, where house managers and families exploit them in domestic servitude. Some parents follow a traditional practice known as *vidomegon*, which involves sending children to wealthier families for educational or vocational opportunities; some of these families then subject the children to forced labor, often in domestic service and open-air markets, or sexual exploitation. The government reported criminals exploit girls in sex trafficking in Cotonou and Malanville. Officials reported traffickers exploit boys, girls, and women from Djougou and Bassila in the northwest of the country; Parakou in the northeast; Zakpota, Djida, and Agbaizoun in the central region; in the Adja region and in Lobogo in the southwest; and in Pobe and Sakete in the southeast. Traffickers exploit these groups in labor and sex trafficking.

Beninese children are sent to Nigeria, Gabon, the Republic of the Congo, and to a lesser extent other West and Central African countries for domestic servitude and other forms of forced labor. Togolese victims increasingly transit through Benin in route to other destinations. Benin has been the largest source country for trafficking victims in the Republic of the Congo, with the department of Oueme in southeast Benin historically an area traffickers used to recruit child victims. Child marriage remains prevalent nationwide, with some families forcing girls into marriages as a result of generational poverty; these girls may then be subjected to sex trafficking or domestic servitude.

Reports indicate criminal groups fraudulently recruit young Beninese women for domestic work in Lebanon, Algeria, and Persian Gulf countries and subsequently exploit them in forced labor or sex trafficking. In past reporting periods, traffickers and their accomplices have sent child victims to their destinations alone and met the victims upon arrival. International organizations report some adult labor migrants use airports, primarily in Togo – but also in the neighboring countries of Burkina Faso and Nigeria – to circumvent anti-trafficking screening procedures put in place by the government at Cotonou's international airport, increasing the migrants' vulnerability to human trafficking.